

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SHAWN MACKEY
VERSUS
JOHN PIGOTT, ET AL.

PLAINTIFF
33-DPJ-ASH
DEFENDANTS

DEPOSITION OF JOHN PIGOTT

APPEARANCES NOTED HEREIN

DATE: SEPTEMBER 26, 2024
PLACE: MISSISSIPPI ATTORNEY GENERAL'S OFFICE
550 HIGH STREET, SUITE 1100
JACKSON, MISSISSIPPI
TIME: 9:30 a.m.

REPORTED BY: AMANDA MAGEE WOOTTON, CSR, RPR
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1 Q Explain, please.

2 A As chairman of the board, someone had to
3 tell her that -- tell her that, and it was my job.

4 Q Okay. How did y'all get to that point? How
5 did the board get to the point of demanding her
6 resignation?

7 A Andrea Mayfield did an excellent job for
8 the -- as director -- executive director of the
9 Mississippi Community College Board for a number of
10 years.

11 During COVID, with the building shut down,
12 we did some teleconferences, a couple of Zoom
13 meetings. And, apparently, things began to go, I
14 would say, sour. Relations with the presidents and,
15 from what Mr. McRight said, with Accelerate, the
16 relationships she had was not going well. She had
17 done some things that were upsetting them.

18 I actually met with two of the presidents on
19 the campus at Forrest County, Pearl River Community
20 College's campus, in a meeting room with Dr. Graham
21 and I believe Dr. Bishop.

22 Scott Alsobrooks, who was vice president at
23 that time of Pearl River Community College,
24 facilitated the location. It was on my way to Jackson
25 for our Friday meeting. I told her in advance that

1 two of the presidents had requested a meeting with me
2 to let her know I was meeting with them.

3 We met. That afternoon, if I remember the
4 hotel, she was there. We chatted some briefly. I
5 told her some of the items they were not happy with.
6 And it was mostly -- I really -- I wish I had notes
7 from it. But it was personalities, some other issues
8 that they were not happy with.

9 They were beginning to have some adversarial
10 feelings from her that we weren't on the same team
11 going in the same direction.

12 I took their comments under advisement,
13 discussed it with a couple of board members. And I
14 don't know when that meeting was exactly. It was
15 before the trustees meeting.

16 The Board of Trustees from all of the
17 community colleges come to the Gulf Coast. I think
18 that year we met at the Gulf Coast Community College,
19 one of their big buildings down there. And I think
20 some of the presidents also approached Mr. McRight to
21 let him know of their displeasure.

22 And things just did not work as smoothly as
23 they did the first few years. I think it was evident
24 to the board that it was time to make a change. I
25 think there were changes being made in the

1 organizational chart, which she did not have to have
2 approval on. She would tell us. I think she began
3 moving people around.

4 And I don't know all of the interoffice
5 happenings. Some people were being -- anecdotal
6 information -- left out of particular e-mails. Staff
7 members were beginning, I think, to get a little on
8 edge also.

9 So -- and I can't give you names and places,
10 just information that we were beginning to gather. So
11 the board went into executive session, discussed these
12 things, and decided that it was time to go a different
13 direction.

14 MS. JOHNSON: Lisa, when you get to a
15 stopping point, can we take a break?

16 MS. ROSS: Yes. We can right now.

17 (Off the record.)

18 MS. ROSS: (Continuing.)

19 Q So it started -- I want to make sure that I
20 appreciate what you told me.

21 But the dethroning of Mayfield started with
22 complaints from two college presidents?

23 MS. JOHNSON: Object to the form.

24 A There were two presidents that voiced the, I
25 think, opinion of others also. Which others, I don't

1 that morning meeting. I don't think we ever left
2 executive session.

3 Dr. Mayfield left the room to go tender her
4 letter of resignation, to go write it. And I think it
5 was in her absence that Kell Smith was appointed
6 interim director. I don't know who made the motion or
7 who seconded it.

8 Q At that time you were aware that Kell Smith
9 had never sought to be the executive director of the
10 Mississippi Community College Board, correct?

11 A That is correct. That was one of the main
12 reasons that he was selected as someone that probably
13 would not -- at that point in time would not have an
14 interest in becoming the executive director.

15 And we needed someone to smooth the waters,
16 if you will, with the presidents, probably with some
17 of the staff. They had a working relationship that
18 has become evident now with Accelerate, which was
19 still in its formative years. It's grown to a large
20 organization now.

21 And I think the general thought of the
22 board -- and, again, I'm trying to think of things
23 that were said -- was to put Kell in for probably at
24 least four to six months just to get the water smooth,
25 get relationships smoothed out, bridges rebuilt, if

1 you will, and then pursue searching for another
2 director.

3 I don't know when the committee was formed
4 to do a search. It might have been the next month --
5 I'd have to go back and look at the minutes -- or the
6 month after. It was not a big rush, but I actually
7 asked different members to form -- to sit on the
8 committee.

9 Q Who did you ask to sit on the committee?

10 A Vice chairman, Cheryl Thurman. I asked
11 Johnny McRight to chair the committee. Luke
12 Montgomery, Henry -- Bubba Hudspeth.

13 And I really preferred not to be on the
14 committee. But they said because I was chairman I
15 should be on the committee. So that was five of us.

16 Later Cheryl had to drop off because her
17 mother was ill. And so Dianne Watson stepped in and
18 took her place.

19 Q At the time that Kell was selected to be the
20 interim executive director, he had no supervisory or
21 leadership experience, did he?

22 A I'm not sure that was a consideration. But,
23 to the best of my knowledge, I really don't know. I
24 don't think that was even considered. We were looking
25 for, again, a good spokesman.

1 Q Okay. So then who was -- who was really
2 running the Mississippi Community College Board when
3 Mayfield was removed, Kell Smith, you, and Johnny
4 McRight?

5 MS. JOHNSON: Object to the form.

6 MS. ROSS: (Continuing.)

7 Q Was Kell Smith just a figurehead?

8 A Absolutely not.

9 Q So you mean to tell me that on behalf of the
10 community college board you did not look to determine
11 if this man had any leadership experience before you
12 made him the head of the agency?

13 MS. JOHNSON: Object to the form.

14 A Kell Smith was appointed as an interim
15 director based on his communicable -- his good
16 communication skills, the fact that he had a good
17 relation with presidents and with the legislators,
18 which is a very important part of the constituency
19 that we serve, and was not considered to be a
20 candidate for the full time executive director job
21 when the permanent decision was made.

22 MS. ROSS: (Continuing.)

23 Q And almost immediately you joined in with
24 others on the board to set in action a plan so that
25 Kell Smith could eventually become the president --

1 MS. JOHNSON: Object to the form.

2 MS. ROSS: (Continuing.)

3 Q -- by changing the qualifications?

4 A There was no such plan.

5 Q Okay. But there was action taken to lower
6 the standards for the executive director's position,
7 correct?

8 A Eventually, but it had nothing to do with
9 Kell.

10 Q But Kell did get the position once the
11 qualifications were changed, correct?

12 A That's obvious from history.

13 Q And he did not meet the qualifications that
14 were in place for executive director when he became
15 the interim?

16 A We did not look at qualifications.

17 Q Okay.

18 A We looked for a peacemaker at that time. We
19 looked for someone that we did not envision being a
20 candidate to be the permanent director.

21 We followed something that had been set up
22 in the past when -- if you remember, Debra Gilbert was
23 appointed interim director when the board locked up on
24 Debra West. And they, at that time, got Dr. Portera
25 and his group to do a search.

1 interested in being the interim executive director or
2 the executive director?

3 A I never learned that he was interested in
4 being interim director.

5 Q There was no formal process to fit -- when
6 you selected a -- an interim executive director,
7 right?

8 A That is correct. We followed what had been
9 done in the past, which was appoint someone just to
10 fill the interim job back when the board selected
11 Debra Gilbert.

12 Q And you did not consider individuals whom
13 you knew were interested and who had previously
14 expressed an interest in serving as the executive
15 director?

16 A That's correct.

17 Q And one of those people who you knew had
18 expressed an interest was in fact Shawn Mackey?

19 A We knew that Dr. Mackey had applied before
20 and actually was one of the three finalists.

21 Q Did Kell have to say to the board that --
22 before he was put in the position that he would agree
23 not to apply for the executive director's position if
24 he was selected as the interim executive director?

25 A I have no exact memory of that. I think it

1 apparently.

2 Q And at this point, on February 3rd of 2022,
3 you're seven months out from when Kell became interim,
4 correct?

5 A February 3rd of 2022?

6 Q Yes, looking at Exhibit 21.

7 A No.

8 Q How many months are you out?

9 A He had already been appointed interim.

10 Q Yes.

11 A Yes, you're correct. He was appointed
12 interim in July of '21. So that would have been close
13 to probably eight months.

14 Q Okay. And at this point you're still not
15 ready to select the executive director, even though it
16 was supposed to -- you projected that it may happen
17 within a four to six-month period?

18 MS. JOHNSON: Object to the form.

19 A We knew that we needed four to six months
20 before we actually got into a serious search. We were
21 delayed for a couple of issues. You want to ask about
22 the delay.

23 Accelerate was taking hold. We weren't sure
24 what our position would be. We didn't know how much
25 of workforce training they would take over, what part

1 of the funding they would take over.

2 We envisioned -- Johnny envisioned a three
3 to five man group, and now it's a large agency.
4 Johnny McRight had a couple of months where he
5 couldn't attend meetings, if I remember properly. He
6 had some back problems. So that delayed the committee
7 getting together.

8 MS. ROSS: (Continuing.)

9 Q Well, when Cheryl Thurman had problems
10 because her mom was sick and I think eventually
11 passed, y'all just put someone else in in her place,
12 right?

13 A She asked to be relieved.

14 Q So the process could go ahead, right?

15 A She asked to be relieved because she wasn't
16 sure she was going to be able to attend meetings at
17 all.

18 Q And there was no reason why Johnny could not
19 be replaced on the search committee, right?

20 MS. JOHNSON: Object to the form.

21 A That's your opinion.

22 MS. ROSS: (Continuing.)

23 Q No. I'm asking you. You were the chair.

24 A We never considered replacing Mr. McRight.

25 Q Because he was driving this train for his

1 MS. ROSS: (Continuing.)

2 Q And Steve Miller, what's his race?

3 A He's white.

4 Q Were you aware at any point of any bad
5 relationships that Mackey had with presidents of
6 the -- any of the colleges?

7 A I was not.

8 Q Okay. I ask you to look at Exhibit 4.

9 A (Witness complies.)

10 Q At some point did you become aware that
11 Mackey, Shawn Mackey, had filed a charge of race
12 discrimination against the MCCB?

13 A Somewhere I heard about it.

14 Q And did the board hire counsel to respond to
15 that? Or was counsel selected to respond to that, his
16 charge of discrimination?

17 A I don't remember us doing anything on that.
18 I thought this was -- a reply was done by Cynthia. I
19 have no idea.

20 Q You thought it was done by who?

21 A I thought Cynthia maybe did a response to
22 it. I don't know.

23 Q Okay. But Cynthia can't write a response
24 for the board without being directed to do so,
25 correct?